UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,680	03/27/2007	Brian Anthony Retkin	09999-Murg	4657

7590   02/02/2010

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EXAMINER
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ART UNIT	PAPER NUMBER
2444	

MAIL DATE	DELIVERY MODE
02/02/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/595,680	RETKIN ET AL.
	Examiner	Art Unit	
	ADAM COONEY	2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 August 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-26* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *15-26* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
         1.☐ Certified copies of the priority documents have been received.
         2.☐ Certified copies of the priority documents have been received in Application No. _____.
         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the amendment filed on 08/04/2009. Claims 1-14 were

canceled and claims 15-26 were added; therefore claims 15-26 are pending.

Response to Arguments

2.   Applicant's argument, see page 7, with respect to the objection to the title has been fully

considered and is persuasive. The examiner notes that applicant has amended the title to

"Browser Plug-In for Automated Resolution of Domain Names by an Alternate Domain Name

Server". Therefore, the objection has been withdrawn.

3.   Applicant's argument, see page 7 with respect to the objection of claim 3 has been fully

considered but is moot in view of claim 3 being canceled. Therefore, the objection has been

withdrawn.

4.   Applicant's arguments, see page 7, with respect to the rejection of claims 2, 4-6 and 14

under 35 U.S.C. 112 have been fully considered but are moot in view of claims 2, 4-6 and 14

being canceled. Therefore, the rejection has been withdrawn.

5.   Applicant's arguments, see pages 7 and 8, with respect to the rejection of claims 1-10 and

12-14 under 35 U.S.C 101 have been fully considered but are moot in view of claims 1-10 and

12-14 being canceled. Therefore, the rejection has been withdrawn.

6.   Applicant's arguments, see pages 8 and 9, with respect to the rejection of claims 1-3, 7-

10, 12 and 13 under 35 U.S.C 103(a) have been fully considered but are moot in view of claims

1-3, 7-10, 12 and 13 being canceled. Therefore, the rejection has been withdrawn.

Specification

7.   The specification is objected to as failing to provide proper antecedent basis for the

claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the

following is required: Claim 15 recites "A computer-readable medium", however there is no

support for this in the specification.

Claim Objections

Claim 20 is objected to because of the following informalities:

8.   Claim 20 recites "A medium according to claim 1". Therefore, the claim is showing

dependency upon a canceled claim. The examiner believes the applicant is referring to claim 15

instead, and for purposes of applying prior art will construed it as such.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

9.   Claims 15-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed

invention. Claim 15 recites "A computer-readable medium" however there is no support for this

subject matter in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

Claims 15-23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Regarding claims 15-23, the phrase *"when the browser is about to display"* is recited.

The term *"about"* is vague and renders the claim indefinite. Using the term *"about"* gives no

specific period of time of when the *"browser"* will operate.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
requirements of this title.

Claims 15-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter.

10.   Regarding claim 15, a *"computer-readable medium"* is recited. However, there is no

support for this subject matter in the specification. Therefore, a person of ordinary skill in the art

could implement or interpret the *"medium"* as merely software or a signal, which is not

patentable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-17, 24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by

Holzer et al. (U.S. 2002/0059396 A1).

11.   Regarding independent claim 15, Holzer teaches a computer-readable medium

comprising machine-executable instructions to implement a plugin for a browser (see paragraph

0013 lines 1-5, paragraph 0016, paragraph 0018 lines 1-5 and Figure 1 item 13, error scanner; as

known a plugin is a computer program that interacts with a host application to provide a certain

function and therefore, the error scanner program is integrated onto the computer of the client

that is using a web browser. Further, it is inherent that there would be a medium and executable

instructions to implement the error scanner on the computer), wherein said instructions instruct

the browser to perform the following method steps during operation: to operate by detecting

when the browser is about to display a DNS look-up failure; and upon detection of when the

browser is about to display a DNS look-up failure, attempt a DNS look-up on an alternative DNS

server (see paragraph 0015 lines 8-9, paragraph 0020 lines 6-9, paragraph 0021 lines 1-10;

blocks error message and establishes contact with a substitute server and the user has no idea that

an error occurred).

12.   Regarding claim 16, Holzer teaches all the limitations of independent claim 15, as discussed above. Further, Holzer teaches wherein said instructions instruct the browser to perform a further DNS name look-up on an alternative DNS server before the DNS look-up failure is displayed (see paragraph 0015 lines 8-9 and paragraph 0021 lines 1-10).

13.   Regarding claim 17, Holzer teaches all the limitations of independent claim 15, as discussed above. Further, Holzer teaches the browser to execute a configuration script that attempts a DNS look-up in an alternative server (see paragraph 0021; a configuration script would have to be implemented in order to establish a contact with the substitute server).

14.   Regarding independent claim 24, Holzer teaches a general purpose computer comprising a web browser that has a plugin that instructs the browser (see paragraph 0013 lines 1-5, paragraph 0016, paragraph 0018 lines 1-5 and Figure 1 item 13, error scanner; as known a plugin is a computer program that interacts with a host application to provide a certain function and therefore, the error scanner program is integrated onto the computer of the client that is using a web browser) to perform the following method steps during operation: to operate by detecting when the browser is about to display a DNS look-up failure; and upon detection of when the browser is about to display a DNS look-up failure to attempt a DNS look-up on an alternative DNS server (see paragraph 0015 lines 8-9, paragraph 0020 lines 6-9, paragraph 0021 lines 1-10; blocks error message and establishes contact with a substitute server and the user has no idea that an error occurred).

15.   Regarding independent claim 26, Holzer teaches a method of resolving a network name, the method comprising: using a plug-in for browser software installed on a general purpose computer (see paragraph 0013 lines 1-5, paragraph 0016, paragraph 0018 lines 1-5 and Figure 1

item 13, error scanner; as known a plugin is a computer program that interacts with a host

application to provide a certain function and therefore, the error scanner program is integrated

onto the computer of the client that is using a web browser) to detect when the browser is about

to display a DNS look-up faille and, upon detection of when the browser is about to display DNS

look-up failure, to execute a configuration script that attempts a DNS lookup on an alternative

DNS server (see paragraph 0015 lines 8-9, paragraph 0020 lines 6-9, paragraph 0021 lines 1-10;

blocks error message and establishes contact with a substitute server and the user has no idea that

an error occurred, also a configuration script would have to be implemented/executed in order to

establish a contact with the substitute server).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Holzer in view of Schneider (U.S. 2008/0016233 A1).

16.   Regarding claim 18, Holzer teaches all the limitations of independent claim 15, as

discussed above. Further, Holzer does not teach wherein said plugin, is suitable for installation

in a web browser by being downloaded from a remote web site. However, Schneider does teach

such a limitation. According to Schneider, in a method for processing DNS friendly identifiers, a

program may be integrated as part of a plug-in/add-on for a web browser. Such a program may

be downloaded and installed for integration (see Schneider paragraph 0182 lines 1-5;

downloading suggest that it is done from a remote site other then the computer itself, otherwise

there would be no need to download it because the computer would already have the program).

Therefore, it would be obvious to a person of ordinary skill in the art at the time of the

applicant's invention to combine Holzer's method of using a program implemented in a web

browser to retrieve data via DNS lookup, with Schneider's method of downloading a program as

a plug-in for a web browser, because Holzer teaches that the program can be integrated onto the

computer of the client (see Holzer paragraph 0018), and the downloading of a program for a web

browser as taught by Schneider, would constitute at least one way to integrate a program onto a

computer.

17.   Regarding claim 19, Holzer and Schneider teaches all the limitations of claim 18, as

discussed above. Further, Schneider teaches an installer that installs the plugin with a minimum

of user intervention (see Schneider paragraph 0182 lines 1-5; downloads and installs the

program, "minimum" is a relative term, therefore it is obvious that at the very least some user

intervention is required to install the program, i.e. after user executes the download, the program

is installed automatically or user allows install a selection). The motivation that was used in

combining Holzer and Schneider in claim 18, applies equally as well to claim 19.

Claims 20-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Holzer in view of Jungck (U.S. 7, 003, 555 B1).

18.   Regarding claim 20, Holzer teaches all the limitations of independent claim 15, as

discussed above. Further, Holzer does not teach wherein said plugin is operative to contact a

remote server (proxy server) to obtain data relating to the alternative name server. However,

Jungck does teach such a limitation. According to Jungck, an apparatus and method for domain

name resolution has a forward proxy server that sits between a workstation user and the internet

(see Jungck column 25 lines 19 and 20). Therefore, it would have been obvious to a person of

ordinary skill in the art at the time of the applicant's invention to have combined the teachings of

using a proxy server in domain name resolution , as taught by Jungck, with the teachings of

Holzer's method of using a program implemented in a web browser to retrieve data via DNS

lookup, in order to have security for a user when resolving a host name, or establishing a contact

with a substitute server, as taught in Holzer (see Holzer paragraph 0021 lines 3-8). Further,

using a proxy server gives anonymity to the user's IP address. Also, having a designated server

would provide the plugin with a point of contact that can be trusted, for additional security.

19.   Regarding claim 21, Holzer and Jungck teach all the limitations of claim 20 as discussed

above. Further, Holzer teaches wherein said plugin obtains such data each time the operating

system is started or each time the plugin is initiated (see paragraph 0021; whenever the DNS

server produces an error the plugin/error scanner is initiated, in order for the error message to be

blocked, therefore the data for the substitute server is obtained).

20.   Regarding claim 22, Holzer teaches all the limitations of independent claim 15, as

discussed above. Further, Holzer does not teach wherein said plugin instructs the browser to

operate by configuring its proxy server settings. However, Jungck does teach such limitations.

According to Jungck, an apparatus and method for domain name resolution has a forward proxy

server that sits between a workstation user and the internet (see Jungck column 25 lines 19 and

20; in order to communicate with the proxy server it is obvious the proxy server settings would

have to be configured). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have combined the teachings of using a proxy server in domain name resolution , as taught by Jungck, with the teachings of Holzer's method of using a program implemented in a web browser to retrieve data via DNS lookup, in order to have security for a user when resolving a host name, or establishing a contact with a substitute server, as taught in Holzer (see Holzer paragraph 0021 lines 3-8). Further, using a proxy server gives anonymity to the user's IP address. Also, having a designated server would provide the plugin with a point of contact that can be trusted, for additional security.

21.   Regarding claim 23, Holzer teaches all the limitations of independent claim 15, as discussed above. Further, Holzer does not teach wherein said plugin instructs the browser to communicate with the alternative DNS server through a proxy server. However, Jungck does teach such a limitation. According to Jungck, an apparatus and method for domain name resolution has a forward proxy server that sits between a workstation user and the internet (see Jungck column 25 lines 19 and 20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have combined the teachings of using a proxy server in domain name resolution , as taught by Jungck, with the teachings of Holzer's method of using a program implemented in a web browser to retrieve data via DNS lookup, in order to have security for a user when resolving a host name, or establishing a contact with a substitute server, as taught in Holzer (see Holzer paragraph 0021 lines 3-8). Further, using a proxy server gives anonymity to the user's IP address. Also, having a designated server would provide the plugin with a point of contact that can be trusted, for additional security.

22.   Regarding claim 25, Holzer teaches all the limitations of independent claim 24, as

discussed above. Further, Holzer does not teach configured by the plugin to refer DNS look-ups

to an alternative server through configuration of its proxy settings. However, Jungck does teach

such limitations. According to Jungck, an apparatus and method for domain name resolution has

a forward proxy server that sits between a workstation user and the internet (see Jungck column

25 lines 19 and 20; in order to communicate with the proxy server it is obvious the proxy server

settings would have to be configured). Therefore, it would have been obvious to a person of

ordinary skill in the art at the time of the applicant's invention to have combined the teachings of

using a proxy server in domain name resolution , as taught by Jungck, with the teachings of

Holzer's method of using a program implemented in a web browser to retrieve data via DNS

lookup, in order to have security for a user when resolving a host name, or establishing a contact

with a substitute server, as taught in Holzer (see Holzer paragraph 0021 lines 3-8). Further,

using a proxy server gives anonymity to the user's IP address. Also, having a designated server

would provide the plugin with a point of contact that can be trusted, for additional security.

23.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Stahura (U.S. 2003/0009592 A1) is relevant because it teaches a mapping system

with DNS. Guenthner et al. (6,134,588) is relevant because it teaches web browser access to

servers.

Conclusion

24.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ADAM COONEY whose telephone number is (571)270-5653.

The examiner can normally be reached on Monday-Thursday and every other Friday from

730AM-5PM..

25.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William C. Vaughn can be reached on 571-272-3922. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

26.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./
Examiner, Art Unit 2444
1/28/2010

        /William C. Vaughn, Jr./
        Supervisory Patent Examiner, Art Unit 2444